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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|------------------|
| 10/688,643  | 10/17/2003  | Daryl R. Sugden      | 064552.0237                     | 1951             |
| 23640   | 7590        | 10/03/2006           | EXAMINER<br>FERGUSON, MICHAEL P |                  |
| BAKER BOTTS, LLP<br>910 LOUISIANA<br>HOUSTON, TX 77002-4995 |             |                      | ART UNIT<br>3679                | PAPER NUMBER     |

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/688,643

Applicant(s)

SUGDEN, DARYL R.

Examiner

Michael P. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2006 has been entered.

***Election/Restrictions***

2. Claims 3-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 15, 2005.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Orr (US 1,214,709).

As to claim 1, Orr discloses a wire rope and socket combination; comprising:

a wire rope socket **10**:

a rope formed of strands **a** of twisted wires extending into the wire rope socket;

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strands **a<sup>1</sup>** of the twisted wires being bent over 180 degrees within the wire rope socket;

strand **a<sup>2</sup>** of the twisted wires remaining unbent (strand **a<sup>2</sup>** is not deformed or bent, instead the strand is left in its original axial position; page 2 lines 2-10) within the wire rope socket, wherein the selection of the number of strands of twisted wire bent over 180 degrees and the selection of the number of strands of twisted wire remaining unbent are made to set the breaking strength of the wire rope socket; and

babbit **19** securing the rope in the wire rope socket (Figures 1 and 4).

As to claim 2, Orr discloses a wire rope and socket combination wherein the wire rope socket **10** has a tapered bore, and the bent strands **a<sup>1</sup>** are bent in the direction of narrowing of the tapered bore (Figure 1).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Shaw (US 5,136,755).

As to claim 1, Shaw discloses a wire rope and socket combination; comprising:

a wire rope socket **20**:

a rope formed of strands **11,13** of twisted wires extending into the wire rope socket;

strands **11** of the twisted wires being bent over 180 degrees within the wire rope socket (shown in Figure 9);

strand **13** of the twisted wires remaining unbent within the wire rope socket, wherein the selection of the number of strands of twisted wire bent over 180 degrees

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and the selection of the number of strands of twisted wire remaining unbent are made to set the breaking strength of the wire rope socket; and

babbit **29** (formed by melting strands **11**; column 8 lines 51-58) securing the rope in the wire rope socket (Figures 8-11).

As to claim 2, Shaw discloses a wire rope and socket combination wherein the wire rope socket **20** has a tapered bore, and the bent strands **11** are bent in the direction of narrowing of the tapered bore (Figures 9 and 11).

### ***Response to Arguments***

6. Applicant's arguments filed December 29, 2005 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Orr does not disclose a wire rope and socket combination wherein *one or more of the strands of the twisted wires remain unbent within the wire rope socket*.

Examiner disagrees. As to claim 1, Orr discloses a wire rope and socket combination wherein strand **a<sup>2</sup>** of the twisted wires remain unbent (strand **a<sup>2</sup>** is not deformed or bent, instead the strand is left in its original axial position; page 2 lines 2-10) within the wire rope socket **10** (Figure 1).

As to claim 1, Attorney argues that:

Shaw does not disclose a wire rope and socket combination comprising strands of the twisted wires *being bent over 180 degrees within the wire rope socket*.

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Examiner disagrees. As to claim 1, Shaw discloses a wire rope and socket combination comprising strands **11** of the twisted wires being bent over 180 degrees within the wire rope socket **20** (shown in Figure 9).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF

09/28/06



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